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EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,107	Applicant(s) BRYANT, STEVEN M.	
	Examiner RESHA DESAI	Art Unit 4155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9 May 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION
Status of Claims

1. This action is in reply to the application filed on 24 December 2003.
2. Claims 1-21 are currently pending and have been examined.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In particular, Claim 10 does not find antecedent basis in the specification as filed. Claim 10 recites identification comprising a voice activated command with respect to a capture device. Appropriate correction is required.

Claim Objections

4. Claims 6 and 17 are objected to because of the following informalities: In particular (including jpeg 2000) should be deleted from the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 12-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract

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ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory (see *Diamond v. Diehr*, 450 U.S. *175, 185-86, 209 USPQ). In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Please refer to MPEP 2106.01. *However, a computer program can be eligible for patent protection if it is tangibly embodied on a computer readable medium and, when executed by a computer, performs the steps of the invention.* The claims as written are directed to non- statutory subject matter, appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-4, 9, 12-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. (US 2002/0091766 A1) in view of McIntyre (US 2003/0007200 A1).

Claim 1 –

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As per Claim 1, Shiimori discloses a method of publishing images at an accessible website and for ordering goods and/or services to be provided by a fulfillment provider with respect to images stored at said fulfillment provider, comprising the steps of:

- said fulfillment provider (image sharing server **40** in Fig. 1) receiving a digital image from a user device (client (contributor) **20** in Fig. 1) over a communication network (internet **60** in Fig. 1); (see paragraphs 65, 91 and 92; Fig. 1)
- said fulfillment provider (image sharing server **40** in Fig. 7 and 9) storing said digital image associating a unique ID (contributor ID in Fig. 7-10) with said image, said unique ID identifying the storage location (image location in Fig. 10) of where said image is stored and provides information as to the internet address (image location in Fig. 10) of the fulfillment provider; (see paragraphs 85, 87, 90, 93 and 94; Fig. 7-10)
- forwarding said unique ID to said user computer; (see contributor ID in paragraph 88; Fig. 7 and 8)
- said accessible website (image viewer **170**) receiving from said user device a low resolution image copy (thumbnail images **174**) of said image and said unique ID; (see paragraph 149; Fig. 18)
- said website publishing said low resolution image (thumbnail images **174**) on an accessible website (image viewer **170**) along with an action button (menu button **171**) that is associated with said unique ID; (see paragraphs 149-151; Fig. 18)
- Forwarding a viewer (image viewer **170**) of said website to said fulfillment provider (service provider) when said action button (menu button **171**) is selected by said viewer (image viewer **170**) so that the viewer will be able to place an order directly with said

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fulfillment provider for ordering goods and/or services with respect to said image stored by said fulfillment provider. (see paragraphs 149-151; Fig. 18)

Shiimori et al. does not explicitly disclose:

- said fulfillment provider receiving a high resolution digital image from a user device over a communication network;

McIntyre teaches a fulfillment provider (element **70**) receiving a high resolution digital image from a user device over a communication network (element **50**). The “said image” in the later steps of claim 1 will be referring to the high resolution digital image of McIntyre. It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. to include a high resolution digital image as taught by McIntyre. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Shiimori et al. in this way for producing printed images, the printed pictures having improved image detail (see at least paragraph 13 of McIntyre).

Claim 2 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein the service being provided by said service provider comprises printing, emailing, sharing or obtaining the high resolution copy of said image. (see menu buttons **171** in paragraph 151; Fig. 18 of Shiimori et al.)

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Claim 3 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein said selection of said selection button (menu buttons **171**) automatically results in obtaining a hard copy print (printing service order) that uses the high resolution stored high resolution image stored in said memory. (see paragraphs 149-151; Fig. 18 of Shiimori et al.)

Claim 4 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein said accessible website (service site) and fulfillment provider (printing service provider) are the same site. (see paragraph 123 of Shiimori et al.)

Claim 9 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. discloses a method having the limitation of:

- wherein a capture device (electronic camera **160**) automatically identifies a digital image (see paragraph 147 and Fig. 17 of Shiimori et al.)

Shiimori et al. does not disclose:

- for automatic transfer to said accessible website and fulfillment provider.

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McIntyre teaches wherein automatic transfer to said accessible website (service provider **80**) and fulfillment provider (fulfillment provider **70**) (see paragraphs 56 and 65 of McIntyre). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to automate the transfer of the digital image to the accessible website and fulfillment provider. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way so that the user would not have to take the time to upload each and every image that he or she wishes to print or electronically share (see at least paragraph 13 of McIntyre).

Claim 12 –

As per Claim 12, Shiimori discloses a computer software program for publishing images at an accessible website and for ordering goods and/or services to be provided by a fulfillment provider with respect to images stored at said fulfillment provider, said software program when loaded on to a user computer will cause the following steps to occur:

- forwarding a high resolution digital image from a user device (client (contributor) **20** in Fig. 1) over a communication network (internet **60** in Fig. 1) to said fulfillment provider (image sharing server **40** in Fig. 1); (see paragraphs 65, 91 and 92; Fig. 1)
- said fulfillment provider (image sharing server **40** in Fig. 7 and 9) storing said digital image and associating a unique ID (contributor ID in Fig. 7-10) with said image, said unique ID identifying the storage location (image location in Fig. 10) of where said

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image is stored and provides the internet address (image location in Fig. 10) of said fulfillment provider; (see paragraphs 85, 87, 90, 93 and 94; Fig. 7-10)

- receiving from said fulfillment provider (image sharing server **40**) said unique ID (contributor ID) associated with said image; (see contributor ID in paragraph 88; Fig. 7 and 8)
- forwarding to said accessible website (image viewer **170**) receiving from said user device a low resolution image copy (thumbnail images **174**) of said image and said unique ID; (see paragraph 149; Fig. 18)
- said website publishing said low resolution image (thumbnail images **174**) on an accessible website (image viewer **170**) along with an action button (menu button **171**) that is associated with said unique ID; (see paragraphs 149-151; Fig. 18)
- selection of said action button (menu button **171**) by a viewer (image viewer **170**) causes said viewer to being forwarded to said fulfillment so that the viewer will be able to place an order directly with said fulfillment provider (service provider) for ordering goods and/or services with respect to said image stored by said fulfillment provider. (see paragraphs 149-151; Fig. 18)

Shiimori et al. does not explicitly disclose:

- forwarding a high resolution digital image from a user device over a communication network to said fulfillment provider;

McIntyre teaches a fulfillment provider (element **70**) receiving a high resolution digital image from a user device over a communication network (element **50**). The “said image” in the later

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steps of claim 1 will be referring to the high resolution digital image of McIntyre. It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. to include a high resolution digital image as taught by McIntyre. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Shiimori et al. in this way for producing printed images, the printed pictures having improved image detail (see at least paragraph 13 of McIntyre).

Claim 13 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein the service being provided by said service provider comprises printing, emailing, sharing or obtaining the high resolution copy of said image. (see menu buttons **171** in paragraph 151; Fig. 18 of Shiimori et al.)

Claim 14 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein said selection of said selection button (menu buttons **171**) automatically results in obtaining a hard copy print (printing service order) that uses the high resolution image stored in said memory. (see paragraphs 149-151; Fig. 18 of Shiimori et al.)

Claim 15 –

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Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. further discloses a method having the limitations of:

- wherein said accessible website (service site) and fulfillment provider (printing service provider) are the same site. (see paragraph 123 of Shiimori et al.)

Claim 19 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. discloses a method having the limitation of:

- wherein a capture device (electronic camera **160**) automatically identifies a digital image (see paragraph 147 and Fig. 17 of Shiimori et al.)

Shiimori et al. does not disclose:

- for automatic transfer to said accessible website and fulfillment provider

McIntyre teaches wherein an automatic transfer to said accessible website (service provider **80**) and fulfillment provider (fulfillment provider **70**) (see paragraphs 56 and 65 of McIntyre). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to automate the transfer of the digital image to the accessible website and fulfillment provider. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way so that the user would not have to take the time to upload each and every image that he or she wishes to print or electronically share (see at least paragraph 13 of McIntyre).

10. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. in view of McIntyre, as applied to claim 1 above, further in view of Wang et al. (US 6,058,428).

Claim 5 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said one or more images are published as said accessible website in an HTML format.

Wang et al. teaches wherein said one or more images are published as said accessible website in an HTML format (see col. 5, ll. 11-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to publish the accessible website in an HTML format as taught by Wang et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way since HTML files may have insertion points for various digital images such as those acquired from a digital camera (see col. 2, ll. 1-3 of Wang).

Claim 16 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said one or more images are published as said accessible website in an HTML format.

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Wang et al. teaches wherein said one or more images are published as said accessible website in an HTML format (see col. 5, ll. 11-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to publish the accessible website in an HTML format as taught by Wang et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way since HTML files may have insertion points for various digital images such as those acquired from a digital camera (see col. 2, ll. 1-3 of Wang).

11. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. in view of McIntyre, as applied to claim 1 above, further in view of Robinson et al. (US 2002/0065844 A1).

Claim 6 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said image is provided to said website and said service provider in a JPEG (including jpeg 2000) format.

Robinson et al. teaches wherein said image (image data **54**) is provided to said website (photo service site **16**) and said service provider in a JPEG (including jpeg 2000) format (see at least paragraphs 14 and 17 of Robinson et al.) It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to provide the image in a JPEG format as taught by Robinson et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al.

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in view of McIntyre in this way since image data is typically stored in JPEG format (see paragraph 17 of Robinson et al.).

Claim 17 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said image is provided to said website and said service provider in a JPEG (including jpeg 2000) format.

Robinson et al. teaches wherein said image (image data **54**) is provided to said website (photo service site **16**) and said service provider in a JPEG (including jpeg 2000) format (see at least paragraphs 14 and 17 of Robinson et al.) It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to provide the image in a JPEG format as taught by Robinson et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way since image data is typically stored in JPEG format (see paragraph 17 of Robinson et al.).

12. Claims 7, 8, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. in view of McIntyre, as applied to claim 1 above, further in view of Bernius et al. (JP 2003-141024 – English Translation).

Claim 7 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

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Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said image is displayed at said publicly accessible website in a diary format.

Bernius et al. teaches wherein said image is displayed at said publicly accessible website in a diary format (see bulletin board **20** in the abstract, paragraphs 1-9 of the detailed description, Claim 1 and Fig. 1-3 of Bernius et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to display the pictures in a discussion board as taught by Bernius et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way in order to provide a Web site bulletin for uploading pictures and providing a more advanced discussion forum (see [0001] of Bernius et al.).

Claim 8 –

Shiimori et al. in view of McIntyre teaches the system of claim 1 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein software is provided on said user computer for use in creating a web log at said accessible website.

Bernius et al. teaches wherein software is provided on said user computer for use in creating a web log at said accessible website (see at least paragraphs 7-11 of the Detailed Description and Drawings 1-3 of Bernius et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to use provided software in creating a web log. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of

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McIntyre in this way to enable an easy application for a user to add a picture to a bulletin board (see paragraph 4 of The Technical Problem of Bernius et al.) and provides for uploading pictures and providing a more advanced discussion forum (see [0001] of Bernius et al.).

Claim 11 –

Shiimori et al. in view of McIntyre, further in view of Bernius et al. teaches the system of claim 8 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- A method according to claim 8 wherein said software allows appending of existing web log with new images and new log entries.

Bernius et al. teaches wherein software is provided on said user computer for use in appending a web log at said accessible website (see at least paragraphs 7-11 of the Detailed Description and Drawings 1-3 of Bernius et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to use provided software in creating a web log. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way to enable an easy application for a user to add a picture to a bulletin board (see paragraph 4 of The Technical Problem of Bernius et al.) and allows for uploading pictures and providing a more advanced discussion forum (see [0001] of Bernius et al.).

Claim 18 –

Shiimori et al. in view of McIntyre teaches the system of claim 12 as described above.

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Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said image is displayed at said publicly accessible website in a diary format.

Bernius et al. teaches wherein said image is displayed at said publicly accessible website in a diary format (see bulletin board **20** in the abstract, paragraphs 1-9 of the detailed description, Claim 1 and Fig. 1-3 of Bernius et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to display the pictures in a discussion board as taught by Bernius et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way in order to provide a Web site bulletin for uploading pictures and providing a more advanced discussion forum (see [0001] of Bernius et al.).

13. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. in view of McIntyre, as applied to claim 9 above, further in view of Patton et al. (US 6,408,301 B1).

Claim 10 –

Shiimori et al. in view of McIntyre teaches the system of claim 9 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said identification comprises a voice activated command with respect to said capture device.

Patton et al. teaches wherein said identification (indexing) comprises a voice activated command with respect to said capture device (image capturing) (see col. 1, ll. 48-63 of Patton et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand

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the method of Shiimori et al. in view of McIntyre to use orally recorded alpha-numeric designations as a means to index, store, sort, or retrieve images, sounds, or videos sequences.

One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way in order to make the retrieval process of an image less tedious and time consuming (see col. 1, ll. 33-36 of Patton et al.).

Claim 20 –

Shiimori et al. in view of McIntyre teaches the system of claim 19 as described above.

Shiimori et al. in view of McIntyre does not explicitly disclose a method having the limitation of:

- wherein said identification comprises a voice activated command with respect to said capture device.

Patton et al. teaches wherein said identification (indexing) comprises a voice activated command with respect to said capture device (image capturing) (see col. 1, ll. 48-63 of Patton et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Shiimori et al. in view of McIntyre to use orally recorded alpha-numeric designations as a means to index, store, sort, or retrieve images, sounds, or videos sequences.

One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Shiimori et al. in view of McIntyre in this way in order to make the retrieval process of an image less tedious and time consuming (see col. 1, ll. 33-36 of Patton et al.).

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiimori et al. (US 2002/0091766 A1) in view of Anderson (US 2002/0087622 A1).

Claim 21 –

As per Claim 21, Shiimori discloses a method of publishing images at an accessible website and for ordering goods and/or services to be provided by a fulfillment provider with respect to images stored at said fulfillment provider, comprising the steps of:

- said website publishing said low resolution image (thumbnail images **174**) on an accessible website (image viewer **170**) along with an action button (menu button **171**) that is associated with said unique ID (image list display section **175**); (see paragraphs 149-151; Fig. 18)
- forwarding a viewer (image viewer **170**) of said website to said fulfillment provider (service provider) when said action button (menu button **171**) is selected by said viewer so that the viewer will be able to place an order directly with said fulfillment provider for ordering goods and/or services with respect to said high resolution image stored by said fulfillment provider. (see paragraphs 147-151; Fig. 17 and 18)
- said unique ID (contributor ID) provides information as to the internet address of the fulfillment provider. (see paragraphs 85, 87, 90, 93 and 94; Fig. 7-10)

Shiimori et al. does not explicitly disclose:

- forwarding to said accessible website receiving from said user device a low resolution image copy of said high resolution image and a unique ID;

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- said unique ID identifying the storage location of where a high resolution image of said low resolution is stored and provides information as to the internet address of the fulfillment provider;

Anderson teaches forwarding to said accessible website receiving from said user device (client device **12**) a low resolution image copy of said high resolution image and a unique ID (image IDs **56**) (see paragraphs 43-45 and 51 of Anderson) and a unique ID (image IDs **56**) identifying the storage location of where a high resolution image of said low resolution is stored (see at least paragraph 46 of Anderson). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method Shiimori et al. to include forwarding a low resolution image of a high resolution image and a unique ID identifying the storage location of the high resolution image as taught by Anderson. One of ordinary skill in the art at the time of the invention would have been motivated to expand the system of Shiimori et al in this way to make intelligent decisions about what functions to perform on the user's images regardless of the images' storage locations (see at least paragraph 18 of Anderson).

Conclusion

The Examiner notes that JP 2003-141024 claims priority to S/N 09/966314 (US 2004/0205494).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RESHA DESAI whose telephone number is (571)270-7792. The examiner can normally be reached on Monday-Thursday 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/RD/

Patent Examiner, Art Unit 4155

/THU NGUYEN/

Supervisory Patent Examiner, Art Unit 4155